## TABLE OF CONTENTS

| STANI<br>ARGUN<br>A. |   |   |
|----------------------|---|---|
|                      | There is No Products Liability Claim for Services and Training Materials  | 5   |
| Α.                   | for Services and Training Materials   |   |
|                      | 1. Services Are Not "Products"  | б   |
|                      |   | -   |
|                      | 2. Ideas and Expressions Are Not "Products"   | 8   |
|                      | 3. Training and Training Materials Are Not "Products"   | L O   |
| В.                   | Plaintiff's Strict Products Liability Claim Must Be Dismissed Because the DSD Program is not a "Product"  | L2  |
| C.                   | There Can Be No Claim for Negligent Manufacture Because there is no "Product" 1   | L4  |
| D.                   | Plaintiff Cannot Maintain a Breach of Warranty Claim Because the DSD Program is not a Product   | L6  |
| E.                   | Plaintiff's Claims of Gross Negligence and Wilful and Wanton Indifference is a Claim of Punitive Damage   | L8  |
| F.                   | A Failure to Warn/Fraudulent Concealment<br>Claim Is a Product Defect Claim that<br>Requires the Existence of a "Product"   | 20  |
| G.                   | Plaintiffs Sheryll Clayppol, Scott Claypool,<br>and Kristin Claypool's Emotional Distress<br>Claim and Plaintiff Sheryll Claypool's<br>Loss of Consortium Claim Fail Because<br>They are Derivative of Plaintiff Dennis |   |
| CONTCT               | -   | 22  |
|                      | C.<br>D.<br>E.  | 2. Ideas and Expressions Are Not     "Products".  3. Training and Training Materials     Are Not "Products" |